IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF JUNE,
TWO THOUSAND AND FOUR
: PRESENT:
THE HON'BLE MR. DEVINDER GUPTA THE CHIEF JUSTICE
AND
THE HON'BLE MS.JUSTICE: G. ROHINI
SUO MOTU CONTEMPT CASE No. 645 of 2004

INRE SARVASRI

1. Korrapati Pedapenchalaiah, S/o. Sundaraiah.
2. Rapati Chinna Penchalaiah, S/o. Sundaraiah.
3. Sompally Peda Penchalaiah, S/o. Chinna Narsaiah.
4. Malempati Tirupathaiah, S/o. Venkatasubbaiah.
5. Kilari Subbarayudu, S/o. Venkaiah.
6. Kilari Chandramouli, S/o. Subbarayudu.
7. Korrapati narayanamma, W/o. Peda Penchalaiah.
8. Kilari Rathnamma, W/o. Subbarayudu.
9. Korrapati Arunamma, W/o. Chinna Penchalaiah.
   (All are Residents of Challapanaidupalli Village, Perumallapadu Post, Chejerla Mandal, Nellore District)
   (Respondents 6 to 14 in WP. No. 4285 of 2004)

Suo Motu Contempt Case under article 215 of the Constitution of India and u/s. 2(C) of the Contempt of Courts Act, 1971 read with Rule 5(a) of the Contempt of Court, Rules, the Court observed in course of hearing of W.P. No. 4285 of 2004 on 29-3-2004 that there was absolutely no reason for the Respondents 5 to 13 (respondents 6 to 14 (Contemnors herein) to have approached the Collector for review of his order which was passed in pursuance of the orders passed on 16-12-2003 in W.P. 23022/2003 especially when Respondents were parties before this court, and they also failed to bring to notice of the Government about the pendency of the proceedings before this Court and thus obtained the order suspending the order of the Collector.

Whereas the court further observed that the respondents have further made an effort of getting favourable orders from this Court by filing WP. MP. 2953 of 2004 in W.P. 2302 of 2003 on 19-02-2004 without bringing to the notice of this court about the proceedings of the Collector dated 25-1-2004 and the orders of the Hon'ble Minister of State Government on 4-2-2004;

Whereas the Hon'ble Court by order dated 13-4-2004 in W.P. 4285 of 2004 observed that the conduct of the respondents 6 to 14 herein in having approached the Collector, and then the State Government and then having filed an application without disclosing the orders of this Court of proceedings before the Collector/State Government amounts to abuse of the process of the Court and that action deserves to be taken against them;

And Whereas the Hon'ble Court has taken suo motu cognizance of the said act of the said individuals (respondents 6 to 14 in W.P. No. 4285/2004) and called upon them to explain why they be not punished under the provisions of the contempt

of court act for having suppressed material facts while obtaining favourable orders.

The suo motu contempt case coming on for hearing and upon going through the order passed by this Hon'ble Court in W.P. No. 4285 of 2004 dated 13-4-2004 in support thereof and upon hearing the arguments of Mr. Ch. C. Krishna Reddy, Advocate for the Respondents, the Court made the following :

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ORDER:

" **The learned counsel for the respondent seeks time to file counter affidavit. A copy of the counter affidavit may also be served on learned counsel for the petitioner. Post on Monday. The respondents shall remain present on that day.**"

DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. Korrapati Pedapenchalaiah, S/o. Sundaraiah.
2. Rapati Chinna Penchalaiah, S/o. Sundaraiah.
3. Sompally Peda Penchalaiah, S/o. Chinna Narsaiah.
4. Malempati Tirupathaiah, S/o. Venkatasubbaiah.
5. Kilari Subbarayudu, S/o. Venkaiah.
6. Kilari Chandramouli, S/o. Subbarayudu.
7. Korrapati narayanamma, W/o. Peda Penchalaiah.
8. Kilari Rathnamma, W/o. Subbarayudu.
9. Korrapati Arunamma, W/o. Chinna Penchalaiah.

(Addressees 1 to 9 are Residents of Challapanaidupalli Village, Perumallapadu Post, Chejerla Mandal, Nellore District)
(BY SPEED POST WITH A DIRECTION TO APPEAR BEFORE THIS COURT ON MONDAY I.E. ON 28-06-2004 AT 10.30.A.M)

10. Two CCs to the Advocate General, High Court of AP, Hyderabad
(SPECIAL MESSENGER ALONG WITH A COPY OF PETITION & AFFIDAVIT)
11. One spare copy.

MSR

HIGH COURT

DATE: 21-6-2004

ORDER

SUO MOTU C.C. No. 645 of 004

DIRECTION

HIGH COURT

DRAFTED BY: MSR
DRAFTED ON: 25-6-2004

HCJ & RGJ

DATE: 21-6-2004

NOTE: POST ON MONDAY

ORDER

SUO MOTU C.C. No. 645 of 004

DIRECTION